

REMARKS

Claims 1-3, and 28-51 are currently pending. The present Non-Final Office Action dated February 1, 2006 (“the OA”) has rejected all of the Claims. None of the claims are amended, but are listed above as required. For at least the reasons discussed below, Applicants submit that the pending claims are patentable for the reasons discussed in detail below.

Claim Rejections under 35 U.S.C. §103 over Dialpad.com in view of Landsman

Claims 1-3 and 28-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dialpad.com (Dialpad.com screenshots from 8/17/2000 and prior obtained via [www.archive.org/The Wayback Machine](http://www.archive.org/The_Wayback_Machine)) in view of Landsman et al. (U.S. Patent No. 6,314,451, “Landsman”). With regard to the independent claims, the OA seems to indicate that Dialpad.com discloses all of the limitations. However, the OA specifically cites portions Dialpad.com only for the limitation of broadcasting said audio advertisement data in accordance with said configuration instructions. Applicants respectfully disagree that the cited portions of Dialpad.com disclose this limitation or the other limitations.

The limitation requires that the audio advertisement be broadcast in accordance with said configuration instructions. The independent claims further specify downloading configuration instructions for controlling broadcast of at least one audio advertisement based at least in part on a status of a conferencing link over a network. Thus, the downloaded configuration instructions control the audio advertisement based on status of the conferencing link.

The OA indicates that Dialpad.com discloses a variety of multimedia files can be rotated before, during or after telephone calls. The OA further indicates that Dialpad.com discloses that audio bumpers can be played on the front and/or back end of calls. (OA, pg. 3, lines 1-4.) Even if this is assumed to be true (in arguendo), Dialpad.com does not disclose or suggest that such audio bumpers or multimedia files are broadcast under control of downloaded configuration instructions. Dialpad.com also does not disclose or suggest that downloaded configuration instructions control broadcasts based on a status of a conferencing link. It is just as likely that the audio bumpers and multimedia files are broadcast under control of non-downloaded instructions.

The OA indicates that Dialpad.com discloses that a Java applet is downloaded to the users computer from a website. However, the OA does not indicate, and Applicants do not find any evidence, that Dialpad.com discloses or suggests that such applet controls broadcast of an audio advertisement based on a status of a conferencing link. Dialpad.com discloses that “Dialpad.com’s patent-pending Split-323 architecture™ divides the Voice over IP (VoIP) technology into two pieces: a small, thin client applet, and a server-based module that manages the concurrent call control process through the Company’s scalable server network.” (Dialpad.com, pg. 22 of 29, lines 24-26.) The disclosed applet may be involved in call control, but Dialpad.com does not disclose or suggest that the applet controls broadcast of an audio advertisement.

The OA admits that “Dialpad.com does not explicitly disclose that or when advertisement data is downloaded to the user computer.” (OA, pg. 3, lines 6-7.) Nevertheless, the OA asserts that: “Dialpad.com discloses that advertisement data is presented to the user before, during, or after the telephone call made by the user. Hence, it would have been obvious to one skilled in the art that advertisement data/info can be downloaded to the user before, during, or after the telephone call made by the user or at anytime the user access the dialpad.com website.” (OA, pg. 3, lines 7-11.) Even if one assumes this is true (in arguendo), Dialpad.com does not disclose or suggest that downloaded configuration instructions (such as the applet) control broadcast of advertisement data. It could just as easily be controlled by a server-based module that controls the calls, such as that disclosed by Dialpad.com and discussed above.

As a last minor note, the OA indicates that Landsman “further discloses motivation for download advertisements such that they are ready for display.” (OA, pg. 3, lines 12-13.) However, Landsman also does not disclose or suggest downloading configuration instructions for controlling broadcast of at least one audio advertisement based at least in part on a status of a conferencing link. Landsman includes an agent that downloads and plays advertisements. (See Landsman, col. 10, lines 1-12.) However, Landsman teaches away from any relationship between its agent and the status of a conference link or any other aspect of a web page running in a browser. Specifically, Landsman states that “[a]dvantageously, the agent operates independently, in the client browser, of the content in any referring web page.” (Landsman, col. 10, lines 25-26.) In fact, Landsman

emphasizes that it accomplishes advertising technique by “completely ‘decoupling’ advertising content from a web content page (also hereinafter referred to as a ‘referring’ page) . . .” (Landsman, col. 9, lines 54-56.) Landsman further explains that “[t]he agent monitors a click-stream generated by a user . . . [and] plays the media files, through the browser and during that interstitial interval [when the browser transitions to a new web page], directly from the browser cache. Advertisements are interstitially played typically in the order in which they were downloaded to the client.” (Landsman, col. 10, lines 38-48.) Thus, Landsman teaches away from controlling broadcast of an advertisement based in any part on a status of a conferencing link, or based on any other aspect of a referring page. Using Landsman in any combination to achieve Applicants’ independent claims, would require changing the fundamental operation of Landsman.

Accordingly, the rejection of the independent claims under 35 U.S.C. §103(a) should be withdrawn. It is well settled that dependent claims are patentable for at least the same reasons as the independent claims from which they depend. Accordingly, the rejection of the dependent claims under 35 U.S.C. §103(a) should also be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

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